REMARKS

Introduction

Upon entry of the foregoing amendment, claims 1-17, 33-38, 58 and 75-77 are pending in the application. Claims 1, 8, 33-36, 38, and 58 have been amended. New claims 75-77 have been added. Claims 18-32, 39-57 and 59-74 have been cancelled without prejudice or waiver. Support for new claim 75-77 is found in cancelled claims 7, 17 and 51 and the specification. No new matter is being presented. In view of the following remarks, reconsideration and allowance of all pending claims are requested.

Rejection under 35 USC § 112, first paragraph

Claims 39-74 have been rejected under 35 USC § 112, first paragraph, as failing to comply with the enablement requirement in regard to reference to a "local key". Reconsideration and withdrawal of this rejection is requested for at least the following reasons.

Claims 39-57 and 59-74 have been cancelled, so their rejection is moot.

Regarding independent claim 58, this claim has been amended to, among other things, remove reference to a "local key". Because amendment of this claim has removed the basis of the rejection, Applicants respectfully request that the rejection of claim 58 under 35 USC § 112, first paragraph be withdrawn.

Rejections under 35 USC § 103(a)

Claims 1, 2, 5, 18-22, 25, and 33-37 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,412,378 to Clemens (hereinafter "Clemens") in view of U.S. Patent No. 5,170,431 to Dawson et al. (hereinafter "Dawson") and U.S. Patent No. 5,422,632 to Bucholtz et al. (hereinafter "Bucholtz").

Claims 18-22 and 25 have been cancelled, so their rejection is moot.

Regarding independent claim 1, the cited references do not disclose a security system having "a microprocessor to process the signal, **to count the number of times the electronic key is read,** . . .and to operate at least one necessary operating component of the manual key

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operated unit based on whether the identification code read by the electronic key reader corresponds to a predetermined identification code, **whether the counted number of times the electronic key is read is greater than a predetermined number.**" (Emphasis added)

In regard to a microprocessor counting feature, The Examiner notes at page 3 of the Office Action that "Clemens does not expressly disclose a microprocessor." The Examiner relies on Dawson as the basis of his rejection for a microprocessor counting feature. The Examiner argues at page 4 of the Office Action that "incrementing a count is suggested by setting an invalid key flag in step 170 and/or adding to the audit log in step 130 of Dawson. Each attempt adds to the audit log, thus increasing the count." Applicants respectfully disagree and believe the Examiner's reliance on Dawson is misplaced and inappropriate.

Figures 3 and 5 of Dawson include, respectively, the "Set Invalid Key" flag step 170, and the audit subroutine of steps 130, 172 and 173. Setting the invalid key flag at step 170 of Fig. 3 in no way discloses or suggests a count function. The pertinent Step 170 set invalid key flag operation is described in Dawson at col. 9, In. 66 through col. 10, In. 21. The invalid key flag is simply a flag which is a binary value stored in the microprocessor 100 memory - it is either on or off. The flag is set when key 14 and lock 10 of Dawson are not a match. The key flag is set, or not set, depending only on a comparison of the key 14 and the lock 10 irrespective of the number of times the key 14 is used. There is no counting function or "incrementing a count" function associated with the simple setting of the key flag. Therefore, operation of the key flag does not function as required by the features of independent claim 1 described above. There is no determination in Dawson, using the key flag, or otherwise, of determining (counting) the number of times a key 14 is used, or incrementing that number, and comparing that number to a predetermined number.

There is no count function disclosed in Dawson by "adding to the audit log in step 130," as suggested by the Examiner. The audit log functions of step 172 are illustrated in Fig. 5 of Dawson and are described at col. 11, Ins. 31-44. The audit subroutine (steps 130, 172 and 173) simply collects a short list of data in a memory regarding a key number and the time/date of use of the key. The data is available to be "later unloaded to provide an audit trail to identify the keys that were used to unlock the lock 10, lock the lock 10 or unsuccessfully attempt to unlock the lock 10." col. 11, Ins. 32-35. Thus, the audit log operates simply to record a history of

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events. There is no associated counting function disclosed with the audit subroutine, nor does the system of Dawson use the audit subroutine as a counting function.

Since these required counting features of independent claim 1, as described above, are not disclosed or suggested in the cited references, the rejection of independent claim 1 as currently recited is improper and it is respectfully requested that this rejection be withdrawn.

Regarding independent claims 33-35, the cited references do not disclose a method of controlling access/use including the feature of **counting the number of times an [electronic key] is/has been used.** (Emphasis added) For at least the reasons given above in regard to independent claim 1, a counting feature/function is not disclosed or suggested.

Claim 33 includes the features of "determining whether the counted number of times the electronic **key has been used is greater than a predetermined number of times within a predetermined amount of time**" and "**incrementing the counted number** each time an incorrect electronic key is attempted." (Emphasis added) For at least the reasons described above in regard to independent claim 1, these comparing a count and incrementing features within a predetermined amount of time are not disclosed or suggested by the cited references.

Claim 34 includes the features of enabling a motor vehicle engine compartment and at least one storage compartment "if the manufacturer provided **key is used within a predetermined number of times**" and "enabling the motor vehicle engine component and the at least one storage compartment "**if the counted number of times is less than a predetermined number**." (Emphasis added) For at least the reasons described above in regard to independent claim 1, these counting and comparing a count features are not disclosed or suggested by the cited references.

Claim 35 includes the features of "determining whether a first type of electronic key . . . has been detected **including counting the number of times the first type of electronic key is used**." (Emphasis added) For at least the reasons described above in regard to independent claim 1, this counting feature is not disclosed or suggested by the cited references.

Therefore for at least the reasons given above, the rejection of independent claims 33-35 as currently recited is improper and it is respectfully requested that the respective rejection be withdrawn.

Regarding dependent claims 2, 5, and 36-37, since these claims depend from

independent claim 1 or 35, they include the required respective features of independent claim 1 or 35, described above. For at least the reasons given previously regarding currently recited independent claims 1 and 35, since the cited references do not disclose the required features of the respective independent claim 1 or 35, from which these dependent claims depend, the rejection of these dependent claims 2, 5, and 36-37 is improper and it is respectfully requested that this rejection of each of these claims be withdrawn.

Claim 38 has been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,412,378 to Clemens in combination with Dawson. The cited references do not disclose the method of independent claim 38 of controlling a lockable area including "**counting the number of times at least one of the first electronic key and the second electronic key is used** in determining whether the electronic key has been detected" and "enabling the lockable area to be accessed if the first electronic key and the second electronic key have been detected within a predetermined amount of time and **the counted number of times of the at least one of the first electronic key and the second electronic key is less than a predetermined number**." (Emphasis added) For at least the reasons described above in regard to independent claim 1, this counting feature and comparing a count feature is not disclosed or suggested in the cited references, and therefore this rejection of independent claim 38 as currently recited is improper and it is respectfully requested that the rejection be withdrawn.

Claims 3-4 and 23-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Clemens in view of Dawson and Bucholtz as applied to claims 1, 2, 5, 18-22, 25, and 33-37, and further in view of U.S. Patent No. 5,204,663 to Lee (hereinafter "Lee").

Claims 23-24 have been cancelled, so their rejection is moot.

Regarding dependent claims 3-4, since these claims depend from independent claim 1, they include the required respective features of claim 1 described above. Lee does not disclose or suggest a counting, or comparing a count, feature of independent claim 1. Additionally, for at least the reasons given previously regarding the other cited references (Clemens, Dawson and

Bucholtz) with regard to currently recited independent claim 1, the required features of independent claim 1, from which these dependent claims depend, are not disclosed or suggested. Thus, this rejection of these dependent claims 3-4 is improper and it is respectfully requested that the rejection of each of these claims be withdrawn.

Claims 6, 7, and 34 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Clemens in view of Dawson and Bucholtz as applied to claims 1, 2, 5, 18-22, 25, and 33-37, and further in view of U.S. Patent No. 5,866,433 to Akutsu (hereinafter "Akutsu").

Regarding independent claim 34, the cited references do not disclose a method of controlling the use of a motor vehicle "including **counting the number of times the electronic key is used**", or the feature of enabling the motor vehicle engine compartment and at least one storage compartment "if the electronic key is a correct key, and **if the counted number of times is less than a predetermined number of times**." (Emphasis added) Akutsu does not disclose or suggest a counting, or comparing a count, feature. Additionally, for at least the reasons given above in regard to independent claim 1, a counting, comparing a count, feature/function is not disclosed or suggested in the cited references (Clemens, Dawson and Bucholtz), and therefore this rejection of independent claim 34 as currently recited is improper and it is respectfully requested that the rejection be withdrawn.

Regarding dependent claims 6-7, since these claims depend from independent claim 1, they include the required respective features of claim 1 described above. Akutsu does not disclose or suggest a counting, or comparing a count, feature of independent claim 1. Additionally, for at least the reasons given previously regarding the other cited references (Clemens, Dawson and Bucholtz) with regard to currently recited independent claim 1, the required features of the respective independent claim 1, from which these dependent claims depend, are not disclosed or suggested. Thus, this rejection of these dependent claims 6-7 is improper and it is respectfully requested that the rejection of each of these claims be withdrawn.

Claims 8-17 and 26-32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Clemens in view of Dawson and Bucholtz and U.S. Patent No. 5,905,446 to

Benore et al. (hereinafter "Benore").

Claims 26-32 have been cancelled, so their rejection is moot.

Regarding independent claim 8, the cited references do not disclose a security system to secure an external unit having "a control unit to **determine the number of times the one or more keys are detected**" and "to control enabling or disabling of the respective locking devices of the separate units depending on the one or more electronic keys detected, **whether the number of times the one or more electronic keys are detected is greater than a predetermined number.**" (Emphasis added) Benore does not disclose or suggest a counting, or comparing a count, feature to determine how many times one or more electronic keys is used. Additionally, for at least the reasons given above in regard to independent claim 1, a counting feature/function is not disclosed or suggested by the other cited references (Clemens, Dawson and Bucholtz), and therefore this rejection of independent claim 8 as currently recited is improper and it is respectfully requested that this rejection be withdrawn.

Regarding dependent claims 9-17, since these claims depend from independent claim 8, they include at least all the required respective features of claim 8 described above. Benore does not disclose or suggest a counting, or comparing a count, feature of independent claim 8. Additionally, for at least the reasons given previously regarding the other cited references (Clemens, Dawson and Bucholtz) with regard to currently recited independent claim 8, the required features of the respective independent claim 8, from which these dependent claims depend, are not disclosed or suggested. Thus, this rejection of these dependent claims 9-17 is improper and it is respectfully requested that this rejection of each of these claims be withdrawn.

Claims 39-74 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Clemens in view of Dawson and Bucholtz.

Claims 39-57 and 59-74 have been cancelled, so their rejection is moot.

Regarding independent claim 58, the cited references do not disclose, at a minimum, the features of **counting a number of times an electronic key is used**, and a control unit to control first and second locking devices **depending at least on the counted number of times the electronic key is used,** of this claim. For at least the reasons given above in regard to

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independent claim 1, a counting, and comparing a count, feature/function with respect to an electronic key being used is not disclosed or suggested by the cited references (Clemens, Dawson and Bucholtz), and therefore this rejection of claim 58 as currently recited is improper and it is respectfully requested that the rejection be withdrawn.

Claim 44 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Clemens in view of Dawson and Bucholtz as applied to claims 39-43 and 45-74, and further in view of U.S. Patent No. 5,477,041 to Miron et al. (hereinafter "Miron"). Since this claim has been cancelled, its rejection is moot.

Claim 51 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Clemens in view of Dawson and Bucholtz as applied to claims 39-50 and 52-74, and further in view of Akutsu. Since this claim has been cancelled, its rejection is moot.

Claims 75-77 are directed a security system for a gun storage device/unit. These claims include features previously found in cancelled claims 7, 17 and 51. At page 6 of the Office Action, the Examiner argues that the a trunk opener 7 and bistable solenoid 8 in an automobile glove box of Akutsu, a reference directed to a "vehicle locking and unlocking system", would make obvious a gun storage unit. Applicants respectfully disagree. There is no teaching or suggestion in Akutsu to store guns in the trunk or glove box. Akutsu is not analogous art for a claim directed to a security system for a gun storage unit. No reasonable man of ordinary skill in the art would have looked to Akutsu to solve the problem of securing a gun storage unit. The Benore reference referred to by the Examiner of page 7 of the Office Action in regard to claim 17 is likewise not analogous. The electronic security system of Benore is directed to, particularly, solving the problem of security with respect to bank teller drawers and other enclosures related to financial assets (i.e., cash, sales records, etc). No disclosure or teaching of Benore is remotely directed to a security system for a gun storage device/unit.

Accordingly, for at least the reasons given above, Applicants submit that all pending claims 1-17, 33-38, 58 and 75-77 as currently recited are in condition for allowance and request

reconsideration and withdrawal of all rejections.

Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

Respectfully submitted,

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